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*Attorneys for Plaintiff Flemming Kristensen
and the Class*

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FLEMMING KRISTENSEN, individually and
on behalf of a class of similarly situated
individuals,

Plaintiff,

v.

CREDIT PAYMENT SERVICES, INC., a
Nevada corporation f/k/a
MYCASHNOW.COM INC., ENOVA
INTERNATIONAL, INC., an Illinois
corporation, PIONEER FINANCIAL
SERVICES, Inc., a Missouri Corporation,
LEADPILE, LLC, a Delaware limited liability
company, and CLICKMEDIA, LLC d/b/a
NET1PROMOTIONS LLC, a Georgia limited
liability company,

Defendants.

Case No. 2:12-CV-00538-APG(PAL)

CLASS ACTION

**THE PARTIES' JOINT MOTION TO
STAY LITIGATION**

Judge: Hon. Andrew P. Gordon

Magistrate: Hon. Peggy A. Leen

1 Plaintiff Flemming Kristensen (“Plaintiff”) and Defendants Credit Payment Services, Inc.
2 (“CPS”), LeadPile LLC (“LeadPile”), Enova International, Inc. (“Enova”) and Pioneer Financial
3 Services, Inc. (“Pioneer”) (collectively, the “Parties”), respectfully move this Court to stay this
4 litigation for a period of twenty-eight (28) days while the Parties attempt to resolve this case
5 through private mediation.

6
7 Respectfully submitted,

8 FLEMMING KRISTENSEN, individually and behalf
of a Class of similarly situated individuals

9 Dated: May 1, 2015

10 By: /s/ John C. Ochoa
11 One of Plaintiff’s Attorneys

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23 *Attorneys for Plaintiff Flemming Kristensen and the*
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24 (Additional counsel appear below)
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MEMORANDUM OF POINTS AND AUTHORITIES

1. In this certified class action lawsuit, Plaintiff alleges that Defendants LeadPile, CPS, Enova and Pioneer are responsible for alleged unsolicited text message transmissions to Class Members in violation of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227. Defendants dispute Plaintiff’s allegations. The Parties have completed substantial discovery and have all moved for summary judgment on Plaintiff’s and the Class’s TCPA claim, as well as certain of Defendants’ affirmative defenses.

2. The Parties have also begun engaging in settlement discussions. To that end, the Parties recently agreed to conduct a mediation session with the Honorable Wayne Andersen (Ret.)—formerly a district judge in the Northern District of Illinois and now a mediator with JAMS in Chicago, Illinois—on May 26, 2015.

3. As such, the Parties request a 28-day stay of this litigation, including a stay of the Court’s ruling on all pending motions,¹ in order to allow the Parties to devote their full attention and resources toward the settlement discussions at hand, and to preserve the resources of the Court, as a settlement would obviate the need for a ruling on the pending motions.

4. The Parties agree, subject to the Court’s approval, that a 28-day stay would provide them with enough time to complete their settlement discussions.

5. The instant motion is filed in good faith and not for purposes of undue delay or for any improper purpose. Rather, it’s meant to preserve the Parties’ respective positions so as to help facilitate settlement.

For the foregoing reasons, the Parties respectfully request that this Court enter an Order:

- a. Staying this case for a period of twenty-eight (28) days, and
- b. Providing any additional relief that it deems reasonable and just.

¹ There are currently five pending motions for summary judgment (*see* dks. 233, 236, 239, 240 and 321), as well as several other pending motions, including two motions to strike, two Objections to orders issued by Magistrate Judge Leen, and Plaintiff’s Rule 56(d) request (*see* dks. 262, 268, 322, 385 & 386).

1 Dated: May 1, 2015

Respectfully submitted,

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3 **EDELSON PC**

4 By: /s/ John C. Ochoa

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Attorneys for Defendant Enova International, Inc.

CERTIFICATE OF SERVICE

I, John C. Ochoa, hereby certify that on May 1, 2015, I electronically filed the foregoing *Parties' Joint Motion to Stay Case* with the Clerk of the Court using the CM/ECF system. Notice of this filing is sent to all counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing system.

Dated: May 1, 2015

/s/ John C. Ochoa
John C. Ochoa